

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CHARLENE RENEE CARNEY,

Plaintiff,

vs.

**COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION**

Defendant.

) **CASE NO. 1:16-cv-02136-DAP**
)
) **JUDGE DAN AARON POLSTER**
)
) **ORDER ADOPTING REPORT**
) **AND RECOMMENDATION**
)
)
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Before the Court is the Report and Recommendation of Magistrate Judge Jonathan D. Greenberg (“R & R”), Doc #. 18, issued on June 9, 2017, which recommends that the Court vacate the Commissioner’s final decision and remand the matter.

Under the relevant statute,

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1). However, where a party fails to object, a district court is not required to

conduct any review, *de novo* or otherwise, of the report and recommendations of a magistrate judge. *Thomas v. Arn*, 474 U.S. 140, 149–50 (1985). The failure to file written objections also results in a waiver of the right to appeal. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985).

Here, any objections to the R & R were due on June 23, 2017. The time for objection has thus passed, and no objections have been filed. Nonetheless, the Court has reviewed the Magistrate Judge’s thorough R & R. The Court agrees with the Magistrate Judge that the ALJ has failed to articulate good reasons for affording Dr. Gross’s opinion less than controlling weight.

Accordingly, the Court **ADOPTS** the Magistrate Judge’s R & R, Doc. # 18, in full, **VACATES** the Commissioner’s decision, and **REMANDS** Plaintiff’s case to the Social Security Administration for further proceedings consistent with this Order and the R & R.

IT IS SO ORDERED.

/s/ Dan A. Polster June. 27, 2017

DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE